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November 10, 2003

Kim Gibson-Boles
36000 Hwy 101 N.
Nehalem, OR 97131

Re: Petition for Public Records Disclosure Order:
Department of Public Safety Standards and Training Records

Dear Mr. Gibson-Boles:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on November 6, 2003, asks the Attorney General to direct the Department of Public Safety Standards and Training (DPSST) to provide you a copy of your complete police training file, all records related to the completion of your DPSST Field Training Manual, and the investigation report concerning your completion of the Field Training Manual and any and all related records. For the reasons that follow, we respectfully deny your petition.

In your petition, you state that you requested these materials from Mary Gaines of the DPSST staff on November 6, 2003 and that she denied your request. After we received your petition, also on November 6, Assistant Attorney General Keith Kutler contacted Ms. Gaines. Ms. Gaines informed him that you had made the request by fax that morning, and that DPSST had not yet made a determination whether to grant, grant in part and deny in part, or deny your request. She said that DPSST was reviewing the request and expected to provide a response to you sometime during the week of November 10, 2003. Accordingly, DPSST has not denied your request.

Also, DPSST has not constructively denied your request by virtue of not yet providing you a response. A custodian of public records is allowed a reasonable time to respond to a request for public records. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2001) 9. DPSST received your request on November 6, less than a week ago. The time that it has taken thus far to respond to your request is clearly reasonable.

Absent denial of a records request by a state agency, the Attorney General lacks authority to order disclosure. *See* ORS 192.450(1). Because DPSST has not denied your request for records, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS13176
c: Mary Gaines, DPSST